

HOUSE BILL 2110  
By Fowlkes

AN ACT to amend Tennessee Code Annotated, Title 39,  
Chapter 13, relative to video voyeurism.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, is amended by adding the following language as a new section:

§ 39-13-608.

(a) It is an offense to videotape, photograph, or film any nonconsenting person or create any videographic or still image record by any means whatsoever of the nonconsenting person if:

(1) That person is totally nude, clad in undergarments, or in a state of undress so as to expose the genitals, pubic area, buttocks or female breast in a restroom, dressing room, locker room, hotel room, motel room, tanning bed, tanning booth, bedroom or other location;

(2) The videotape, photograph, film or videographic or still image record is created by placing the lens or image-gathering component of the recording device in a position to capture an image of the person's undergarments, genitals, pubic area or buttocks when the undergarments, genitals, pubic area or buttocks would not otherwise be visible; and

(3) The circumstances are otherwise such that the person being videotaped, photographed, filmed or otherwise recorded would have a reasonable expectation of privacy.

(b) The provisions of this section shall not apply to filming, videotaping or photographing by:

(1) Law-enforcement officers pursuant to a criminal investigation which is otherwise lawful, or

(2) Correctional officials and local jail officials for security purposes or for investigations of alleged misconduct involving a person committed to the department of correction or to a local jail, or to any sound recording of an oral conversation made as a result of any videotaping or filing pursuant to this part.

(c) A violation of subsection (a) shall be punishable as a Class A misdemeanor.

(d) A violation of subsection (a) involving a nonconsenting person under the age of eighteen (18) shall be punishable as a Class E felony.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.